

MCKEE VOORHEES & SEASE, PLC
~~MCKEE VOORHEES & SEASE, PLC~~

RECEIVED
CENTRAL FAX CENTER
SEP 13 2005

ATTORNEYS AT LAW

801 GRAND AVENUE • SUITE 3200 • DES MOINES, IA 50309-2721
PHONE: 515-288-3667 • FAX: 515-288-1338 • www.lpmvs.com

DATE: September 13, 2005

TO: Art Unit 1638 - Mail Stop Amendment

COMPANY: USPTO

PHONE:

FAX: 571-273-8300

FROM: LILA A. T. AKRAD

NUMBER OF PAGES (Including cover): 10

Please file the attached **PRELIMINARY AMENDMENT** for the following:

APPLICANTS : WEBER, Gerhard P.
SERIAL NO : 10/764,900
FILED : January 26, 2004
TITLE : INBRED MAIZE LINE PH77V

Grp./A.U. : 1638
Examiner :
Conf. No. : 2635
Docket No. : P06265US01 - PHI 1371C

BEST AVAILABLE COPY

THE DOCUMENTS ACCOMPANYING THIS FACSIMILE TRANSMITTAL COVER SHEET CONTAIN INFORMATION FROM THE LAW FIRM OF MCKEE, VOORHEES & SEASE WHICH MAY BE CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. THE DOCUMENTS ARE INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE ADDRESSEE IDENTIFIED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING THESE DOCUMENTS TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TRANSMITTED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY THIS FIRM SO THAT WE CAN ARRANGE FOR THE RETURN OF THE ORIGINAL DOCUMENTS TO US. THANK YOU.

RECEIVED
CENTRAL FAX CENTER

SEP 13 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : WEBER, Gerhard P.
SERIAL NO : 10/764,900
FILED : January 26, 2004
TITLE : INBRED MAIZE LINE PH77V

Grp./A.U. : 1638
Examiner :
Conf. No. : 2635
Docket No. : P06265US01 - PHI 1371C

PRELIMINARY AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

It is respectfully requested that this Preliminary Amendment be entered and made of record in response to the recent Board of Appeal decisions in U.S. Patent applications 10/000,311; 09/771,938; and 09/772,520 and the applicability of the reasoning of those Board decisions to the claims and arguments in the present case. The following amendments and remarks place the application in form for allowance. No new matter is presented, as such the Amendment is proper under 37 C.F.R. § 1.115. Applicant respectfully requests reconsideration.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☐ deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop Amendment, Alexandria, VA 22313-1450.

FACSIMILE

☒ transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (571) 273-8300.

Date:

9/13/05

LILA A. T. AKRAD

Introductory Comments

Claims 1-10 are pending in the present application.

Amendments to the Specification begin on page 3 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Remarks/Arguments begin on page 8 of this paper.